

expenses while in the performance of his duties, said expenses to be audited by the executive council and paid out of the general fund of the state upon a voucher verified by the commissioner or his deputy; but the total of the expense for the officers and employes of said bureau, other than the salaries of the commissioner, his deputy, the factory inspector and clerk, shall not exceed fifteen hundred dollars per annum."

SEC. 2. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published at Des Moines, Iowa.

Approved April 13, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, April 15, 1904, and the Register and Leader, April 16, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 86.

BOARD OF EXAMINERS OF MINE INSPECTORS.

H. F. 847.

AN ACT to amend section twenty-four hundred and seventy-nine-a (2479-a) of the supplement to the code relating to mines and mining.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. **Board of examiners.** That the law which appears as section twenty-four hundred and seventy-nine-a (2479-a) of the supplement to the code be and the same is hereby amended by striking out of the sixth and seventh lines of said section the following words: "at least one of whom shall also hold a certificate of competency as hoisting engineer".

SEC. 2. **In effect.** This act, being deemed of immediate importance, shall be in effect from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in Des Moines, Iowa.

Approved March 12, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader, and the Des Moines Daily Capital, March 14, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 87.

INSPECTION OF PETROLEUM PRODUCTS.

S. F. 76.

AN ACT to repeal the law as it appears in chapter eleven (II), title twelve (XII), of the code and the law as it appears in sections two thousand five hundred and three (2503), two thousand five hundred and eight (2508) and two thousand five hundred and eight-a (2508-a), of the supplement to the code, relating to the inspection of petroleum products and enacting a substitute therefor.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. **Inspectors—chief inspector.** The governor shall appoint inspectors of products of petroleum, not exceeding fourteen in number, one of whom shall be designated as chief inspector, who shall have general supervision of the inspection service of the state, except in the matter of

making reports and the payment and receipt of fees. All differences arising in the inspection of oils shall be referred to the chief inspector and his decision of the question shall be final. The chief inspector shall make such recommendations to the state board of health as may be deemed necessary to improve the inspection service. He shall devote his time and service wholly to the inspection of oil and the duties of his office. Inspectors may appoint such deputies, helpers and branders as may be necessary in the proper discharge of their official duties, but such appointments before becoming effective must be submitted to, approved and confirmed, and their compensation fixed by the executive council as in their judgment may be necessary, equitable and just. Each inspector shall be a resident of the state, and not interested directly or indirectly in the manufacture or sale of products of petroleum. His term of office shall begin on the first day of July in each even numbered year. He shall give bond to the state in the penal sum of five thousand dollars, conditioned upon the faithful performance of his duties, with sureties who shall, in addition to the usual justification, make oath, entered on the bond, that they are not directly or indirectly interested in the manufacture or sale of products of petroleum for illuminating purposes, which bond shall be for the benefit of all persons injured through the failure of the inspector to perform his duties, and shall be filed with, and the sureties thereon approved by, the secretary of state.

SEC. 2. **Regulations.** The state board of health shall make rules and regulations for the inspection of petroleum products, for the government of inspectors, and prescribe the instruments and apparatus to be used. Such rules and regulations shall be approved by the governor, and, when so approved, shall be binding upon all inspectors.

SEC. 3. **Inspection—branding—fees—supplies.** Each inspector shall be furnished, at reasonable expense to the state, with the necessary supplies, instruments and apparatus for testing, and shall promptly make inspection, and test and brand all illuminating oils kept for sale, and for such purpose may enter upon the premises of any person. He shall reject all oils for illuminating purposes which will emit a combustible vapor at a temperature of 105 degrees, standard Fahrenheit thermometer, closed test, not less than one-half pint of oil to be used in the flash test. If upon test and examination the oil shall meet the requirements, he shall brand over his official signature and date the barrel or package holding the same, "approved, flash test.....degrees", inserting in the blank the number. Should it fail to meet the requirements, it shall be branded under his official signature and date, "rejected for illuminating purposes". All inspections shall be made within the state, and paid for by the person for whom the inspection is made, at the rate of ten cents per barrel, fifty-five gallons for this purpose constituting a barrel, which charge shall be a lien upon the oil inspected, and be collected by the inspector, reported and paid to the secretary of state, on or before the fifteenth day of each month. For the purposes of this act, gasoline, benzine and naphtha shall be deemed illuminating oil. No gasoline shall be sold, given away or delivered to any person in this state until the package, cask, barrel or vessel containing the same has been plainly marked "gasoline" in such manner as the executive council may prescribe. There shall be no refund nor rebate of charges made or paid for inspection except upon a duly verified certificate of the owner that the goods, for which such rebate is asked, have been disposed of outside of the state. Said certificate to be in such form as shall be prescribed by the secretary of state and shall be delivered to the inspector and attached to his monthly report. The expense of inspection shall be deducted from any rebate or refund so granted. Any person, firm, corporation or agent violating any of the provisions of this act shall be deemed guilty of a misdemeanor and punished accordingly. All necessary supplies, labels, instruments and apparatus as contemplated in this chapter, shall be purchased by the executive council, and shall be

furnished to inspectors as needed by them, upon requisition therefor, made to the chief inspector, approved by him and forwarded to the executive council. Every person who receives products of petroleum for sale which have not been inspected as provided in this chapter, shall, within five days after the receipt thereof, notify the inspector of that inspection district that the same is in his possession; and to neglect so to do shall be deemed a misdemeanor.

SEC. 4. Record and report—reports from companies, agents, etc. Each inspector shall keep an accurate record of all oils inspected and branded, the number of gallons, the number and kind of barrels or packages, the date and number of gallons approved, the number rejected, the name of the person for whom inspection was made, and the amount of money received therefor, the necessary traveling expenses incurred, and the expenses incurred in prosecution, which record at all reasonable times shall be open to public inspection. A copy of this record duly verified under oath for the preceding month shall be filed with the secretary of state on or before the fifteenth day of each month, who shall examine said report and if found correct endorse his approval thereon, and certify the same to the executive council, and when approved by said council, the auditor of state shall issue his warrant upon the treasurer of state for the amount so approved and due the several inspectors, and no item of expense shall be allowed and paid not shown in such reports. It shall be the duty of all persons, firms or corporations, officers or agents thereof within the state, receiving any of the products of petroleum subject to inspection, to file with the secretary of state on or before the tenth day of each month, a certificate duly verified, in such form as shall be approved by the secretary of state, to cover the month preceding the one in which said report is made. Such report shall show the number of tanks or barrels, and if in tanks the tank number, of each product inspected for such person, firm, corporation, officer or agent, the amount of fees paid for such inspection, to whom paid, and, that the amounts so stated are all the products received by him or them which are subject to inspection during such period. For any failure to make the reports contemplated in this section the person, firm, corporation, officer, agent or employe shall be liable to a fine of not less than ten dollars nor more than one hundred dollars.

SEC. 5. Compensation of inspectors — expenses. Each inspector shall be allowed as full compensation for his services all fees and commissions earned and collected by him up to fifty dollars per month, and twenty-five per cent. of any sum collected in any one month in excess of fifty dollars, but in no case shall his compensation exceed one hundred dollars per month, except that the chief inspector shall be allowed twenty-five per cent. of any sum collected by him in any one month in excess of fifty dollars, up to and not exceeding one hundred and fifty dollars. Inspectors shall also be allowed such other sums necessarily and actually expended in the discharge of their official duties; and for necessary expenses incurred for prosecution of violation of the provisions of this chapter, and for necessary help in branding barrels. All money collected each month by inspectors, shall, on or before the fifteenth day of the following month, be paid to the secretary of state, and by him accounted for as other fees of his office.

SEC. 6. Penalties—damages. If any person, company or corporation, or agent thereof, shall sell, or attempt to sell, any product of petroleum for illuminating purposes which has not been inspected and branded as in this chapter provided, or shall falsely brand any barrel or package containing such petroleum product, or shall refill with products of petroleum barrels or packages having the inspector's brand thereon, without erasing such brand and having the contents thereof inspected, and the barrel or package rebranded, or shall purchase, sell or dispose of any empty barrel or package without thoroughly removing the inspection brand, or shall knowingly or negligently sell, or cause to be sold, or shall use or cause to be used, any

product of petroleum mentioned in this chapter not inspected and tested, except as otherwise authorized herein; or if any person shall adulterate with any substance for the purpose of sale or use any product of petroleum to be used for illuminating purposes in such a manner as to render it dangerous, or shall sell or offer for sale, or use any product of petroleum for illuminating purposes which will emit a combustible vapor at a temperature of less than 105 degrees, standard Fahrenheit thermometer, closed test, except as otherwise provided in this section for illuminating railway cars, boats and public conveyance, and except when the oils from which said gas or vapor is generated in closed reservoirs outside the building to be lighted thereby, and except the lighter products of petroleum when used in such lamps or apparatus which, having been submitted to the state board of health and having been examined and tested by said board shall be found to be safe for the use of the public and for street light by street lamps, shall be fined not less than ten dollars nor more than fifty dollars, or if any common carrier shall carry in any railway passenger, baggage, mail, or express car, street railway car, boat, stage coach, omnibus, or other means of public conveyance, or use or burn therein any oil or fluid, whether composed wholly or in part of petroleum or its products, which will ignite and burn at a temperature of 300 degrees Fahrenheit thermometer, open test, for lighting any lamp, vessel, or fixture of any kind, or boat or street railway car, stage coach or other means of public conveyance; or if any inspector shall falsely brand any package or barrel, or shall practice any fraud or deceit in office, or be guilty of any official misconduct or culpable negligence to the injury of another, or shall deal or have any pecuniary interest, directly or indirectly in any oils or fluids sold for illuminating purposes while holding such office, he or such person, company, corporation or agent shall be fined not less than fifty dollars and shall be liable in a civil action for all damages which may be sustained on account thereof, and each such inspector shall be fined in a sum not less than ten dollars nor more than one thousand dollars, or imprisoned in the county jail not exceeding six months, or be punished by both fine and imprisonment.

SEC. 7. Examination of lamps and apparatus. The state board of health shall examine the particular design, mechanism, and workmanship of such lamps or apparatus as shall be presented to such board, and test said lamps or apparatus, and, if it shall find any lamp or apparatus to be safe, said board shall enter the findings of the board upon the records of the proceedings of said board. The board shall have power, in case it comes to the notice of the board that any lamp or apparatus which it has heretofore approved as safe, because either of change of design, the use of unsuitable material, or poor workmanship in the construction of such lamps or apparatus, or for any other cause, is unsafe as then manufactured, and dangerous to public safety to cancel its approval of such lamp or apparatus, and after such cancellation of the approval of said lamp or apparatus, it shall be unlawful to sell or use the same, and no lamps or apparatus manufactured or sold after such disapproval shall be used in burning the lighter products of petroleum for illuminating purposes. The state board of health shall notify by registered letter the several inspectors of any approval or disapproval by them of any lamp or apparatus submitted to them for examination.

SEC. 8. Removal of inspectors. It shall be the duty of the governor to remove from office any inspector who is incompetent or unfaithful in the discharge of his official duty, or, having knowledge of the violation of any of the provisions of this chapter, shall neglect or refuse to prosecute the offender. In July of each year each inspector shall file with the secretary of the executive council an inventory of all instruments and apparatus belonging to the state, in his possession, or that of his deputy or helper, which shall be fully accounted for in such manner as may be prescribed by the executive council.

SEC. 9. Biennial report. The secretary of state shall make and deliver to the governor a report, for the fiscal year ending on the thirtieth day of June in each odd numbered year, of all inspections made, the receipts and expenditures therefor, and such other items as are by this chapter required to be made of record.

SEC. 10. Repealed. The law as it appears in chapter eleven (11), title twelve (12), of the code and the law as it appears in sections two thousand five hundred and three (2503), two thousand five hundred and eight (2508) and two thousand five hundred and eight-a (2508-a), of the supplement to the code, relating to the inspection of petroleum products, are hereby repealed and the foregoing enacted in lieu thereof.

Approved April 6, A. D. 1904.

CHAPTER 88.

DEPUTY AND ASSISTANT DAIRY COMMISSIONERS.

S. F. 67.

AN ACT amending the law relating to deputy and assistant dairy commissioners, appearing as section twenty-five hundred fifteen (2515), of the supplement to the code.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Appointment—compensation. That the law relating to deputy and assistant dairy commissioners, appearing as section twenty-five hundred fifteen (2515), of the supplement to the code, be and the same is hereby amended by striking out the word "ten" in the twenty-fourth line thereof, and inserting the word "twelve" in lieu thereof; and by striking out the word "one" in the twenty-seventh line and inserting the word "two" in lieu thereof, and by striking out the word "ten" in the twenty-ninth line and inserting the word "twelve" in lieu thereof.

Approved April 2, A. D. 1904.

CHAPTER 89.

APPROPRIATION FOR CARRYING ON THE WORK OF THE VETERINARY SURGEON.

S. F. 312.

AN ACT amending the law as it appears in section two thousand five hundred and thirty-six (2536) of the supplement to the code, making appropriation for carrying on the work of the veterinary surgeon.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Annual appropriation. That the law as it appears in section two thousand five hundred and thirty-six (2536) of the supplement to the code is hereby amended by striking out the words "three" and "five thousand", as it [they] appears [appear] in line two, and insert in lieu thereof the words "seven thousand five hundred".

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 12, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Daily Capital, April 13, 1904.

W. B. MARTIN,
Secretary of State.